

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

Jennifer Casey
Chairwoman

Sarah Lansdale, AICP
Commissioner

Date: April 4, 2023
Time: 2:00 p.m.
Location: Zoom Meeting

Members Present (14)

Lasheca Lewis – Town of Babylon
John Coverdale – Town of Brookhaven
David Doty – Town of East Hampton
Jennifer Casey – Town of Huntington
Timothy McCarthy – Town of Islip
John Condzella – Town of Riverhead
Elizabeth Galle – Town of Shelter Island
John Finn – Town of Smithtown (arrived after Meeting Summary votes)
Daniel Flynn – Town of Southampton
Thomas McCarthy – Town of Southold (arrived after Meeting Summary votes)
Lisa Perry – Villages Over 5,000
Michael Kaufman – Villages Under 5,000
Errol Kitt – At Large
Stephanie Baldwin – At Large

Members Not Present (1)

Kevin Gershowitz – At Large

Staff Present (7)

Andrew Freleng – Chief Planner
Theodore Klein – Principal Planner
Christine DeSalvo – Administrative Assistant
John Corral – Environmental Projects Coordinator
William O'Brien – Research Analyst
Michael Selig – GIS/Mapping Specialist
Brittany Toledano – Assist. County Attorney (Commission Counsel)

Call to Order - The Suffolk County Planning Commission meeting of April 4, 2023 was called to order by Chairwoman Jennifer Casey at 2:00 p.m.

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The Pledge of Allegiance

Adoption of Minutes - Motion to adopt the February 1, 2023 Meeting Minutes was made by Commission member Timothy McCarthy, seconded by Commission member Perry. Vote Approved unanimously less 1 abstention (Condzella). Motion to adopt the March 1, 2023 Meeting Minutes was made by Commission member Kaufman, seconded by Commission member Doty. Vote Approved unanimously less 1 abstention (Condzella). Note: Commission members Finn and Thomas McCarthy arrived after voting.

Public Portion – There was one member of the public that requested time to speak to the Commission regarding a referral to the Planning Commission on the agenda.

Chair's Report – Chairwoman Jennifer Casey mentioned the Commission was putting together the 'Environmental Justice' working group and that Commission member Lisa Perry will chair that group, and if any Commission members are interested in participating to contact Commission member Perry. The Chair also stated the Commission is moving forward the efforts to develop an inclusive housing model code for individuals with developmental disabilities, and mentioned Commission members Stephanie Baldwin and Lasheca Lewis, who will be spearhead that group.

Guest Speakers –

Stephanie Rosen, Director of Community Development and Affordable Housing, Suffolk County Economic Development and Planning; gave a presentation on Inclusive Housing, providing clarification and answered Commission member questions relating to County programs to advance inclusive and affordable housing opportunities for individual developmental disabilities.

Jesse Warren, Mayor for the Village of Southampton, along with **Frank Fish**, Consultant for the Village of Southampton, gave presentation in support, providing clarification and/or answered Commission member questions relating to the Village's proposed 'Arts and Culture Overlay District'.

Scott Russell, Supervisor for the Town of Southold, gave a presentation in support, providing clarification and answered Commission member questions relating to the Town of Southold's proposed Local Law creating the 'Temporary Moratorium on the Issuance of Approvals and/or permits for Battery Energy Storage Systems (BESS) in the Town of Southold.

Kevin Stuessi, Mayor for the Village of Greenport, along with **Joseph W. Prokop**, Attorney for the Village of Greenport: gave presentation in support, providing clarification and/or answered Commission member questions relating to the Village's proposed Local Law creating a Six Month Moratorium on Development in the Waterfront Commercial, Retail Commercial and General Commercial Zoning Districts of the Village of Greenport.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **AIREF II at Yaphank** – The application is referred by the Town of Brookhaven, received on March 9, 2023 - the Commission's jurisdiction for review is that the application is located within 500 feet of an Agricultural District. Applicants seek a special permit/site plan approval from the Brookhaven Town Planning Board on a 25.49 acres of wooded property for the construction of a 332,970 SF high-pile warehouse distribution building/trucking terminal. In addition to the proposed buildings, the proposed warehouse complex development includes off-street parking, landscaping and infrastructure improvements. The subject property is within a Light Industrial (L-1) zoning district, located in the hamlet of Shirley.

The staff report recommended approval of the special use/site plan application for the construction of the warehouse buildings and offering ten (10) comments for their consideration and use by the Town of Brookhaven Planning Board. After deliberation the Commission resolved to generally agree with the staff report and approve the special use/site plan application with the ten (10) comments.

The motion to approve the special use/site plan application and to offer the ten (10) comments for their consideration and use by the Town of Brookhaven Planning Board was made by Commission member Coverdale and seconded by Commission member Perry, vote to Approve; 11 ayes, 0 nays, 0 abstentions (Finn, Flynn, Thomas McCarthy not present during vote).

- **Residence at Oheka II 2022** – The application is referred by the Town of Huntington, received on February 10, 2023 - the Commission's jurisdiction for review is that the application is within 500 feet of Jericho Turnpike (SR 25). The applicant is seeking a zoning change and special exception approval for an alteration of a previous approval (from the Town of Huntington) Residences at Oheka II, along with modification of allowed uses under the Historic Building Overlay District (HBOD) to permit the construction of a 4-story 202,000SF "luxury" condominium building on 21.95 acres. The Condominium building would contain 95 units. An on-site waste water treatment plant is proposed. Staff indicated much attention has gone into fitting the proposal into the community. The overall plan to maintain the Castel appears to be possible when wastewater and access issues are resolved.

The staff report recommended approval of the Change of Zone and special exception approval to allow for the proposed 95 condominium units along with twelve (12) comments to be offered for their consideration and use by the Town of Huntington.

After deliberation Commission resolved to generally agree with the staff report and a motion to Approve the Change of Zone and special exception approval subject to two conditions and to offer ten (10) comments for their consideration and use by the Town of Huntington was made by Commission member Casey and seconded by Commission member Galle, vote to Approve; 10 ayes, 0 nays, 0 abstentions. (Coverdale, Finn, Flynn, Thomas McCarthy not present during vote).

Section A14-14 thru A14-25 of the Suffolk County Administrative Code (continued)

- **Village of Southampton, Downtown Riverfront Overlay District** - The application is referred by the Village of Southampton, received on March 16, 2023 - the Commission's jurisdiction for review is that the application is a zoning action, amendment to a local law and/or a moratorium. The Village of Southampton is proposing to create an Arts and Culture Overlay Zoning District. The purpose of the overlay district is to ensure that the zoning code is supportive of arts and cultural uses, galleries and art stores, community-oriented spaces and offices, and artist studios and residences. This proposed district supports the preservation of the smaller scale and locally serving mix of businesses in this core area of the Village Center. The Village of Southampton notes in the referral material that the economic vitality of the area depends on the specialty or niche businesses, arts uses, and other small operations, which complement one another and do not compete with large retailers found on Route 27. The Village also notes that the district also provides for some flexibility for property owners to make sure ground floor uses stay active and do not remain vacant.

The staff report recommended approval of the proposed zoning change for the Village of Southampton Arts and Cultural Overlay District, along with ten (10) comments to be offered for their consideration and use by the Village of Southampton.

After deliberation Commission resolved to agree with the staff report and a motion to Approve the Change of Zone and Subdivision and to offer ten (10) comments for their consideration and use by the Village of Southampton was made by Commission member Kaufman and seconded by Commission member Doty, vote to Approve; 10 ayes, 0 nays, 0 abstentions. (Coverdale, Finn, Flynn, Thomas McCarthy not present during vote).

- **Town of Southold, Temporary Moratorium on the Issuance of Approvals and/or permits for Battery Energy Storage Systems (BESS)** - The application is referred by the Town of Southold Town Board, received on March 1, 2023 - the Commission's jurisdiction for review is that the application is a zoning action, amendment to a local law and/or a moratorium. The Town of Southold is proposing a local law (2023-164) for the temporary moratorium on the issuance of approvals and/or permits for Battery Energy Storage System (BESS) facilities, to last twelve (12) months from its adoption. While the Town recognizes that Battery Energy Storage System (BESS) facilities are a key component to the viability and promotion of renewable energy sources, however, the technology of these systems is still in its infancy. The Town of Southold indicated in the referral material that the moratorium is necessary to permit the Town to undertake a thorough examination of these systems to identify any possible threats to public health, safety and welfare as well as evaluate the potential for environmental degradation. Staff finds that the proposed moratorium is specific and would not restrict all development on any or all parcels within the Town; rather, the proposed moratorium is limited to BESS facilities only, and for twelve (12) months to allow the Town further review of new zoning for such facilities. The moratorium, although a full year long, is specific and appears legitimate to be reasonable.

The staff report recommended Approval of proposed Local Law of 2023-164 of the Town of Southold creating a temporary moratorium on the issuance of approvals and/or permits for Battery Energy Storage System (BESS) facilities, and offered three comments for the consideration and use of the Town of Southold.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code (continued)

Town of Southold, Temporary Moratorium on the Issuance of Approvals and/or permits for Battery Energy Storage Systems (BESS) - (continued) After deliberation Commission resolved to agree with the staff report and a motion to Approve the temporary moratorium on the issuance of approvals and/or permits for Battery Energy Storage System (BESS) facilities and to offer three (3) comments for their consideration and use by the Town of Southold was made by Commission member Casey and seconded by Commission member alle, vote to Approve; 10 ayes, 0 nays, 0 abstentions. (Coverdale, Finn, Flynn, Thomas McCarthy not present during vote).

Section A14-14 thru A14-25 of the Suffolk County Administrative Code – (continued)

- **Village of Greenport**, Moratorium on development in the WC, CR & CG zoning districts – The application is referred by the Incorporated Village of Greenport Board of Trustees, received originally on January 9, 2023 - the Commission's jurisdiction for review is that the application is a zoning action, amendment to a local law and/or a moratorium, also is adjacent to a shoreline. At the March 1, 2023 regularly scheduled Suffolk County Planning Commission meeting, the Commission unanimously resolved to adjourn the matter of the referral of the Village of Greenport's moratorium on development in the WC, CR and CG zoning Districts until the April meeting in order to provide Commission staff with additional time to conduct an objective analysis of all submitted materials, including additional materials submitted by the Inc. Village in response to the Planning Commissions incomplete resolution of February 1, 2023 in which four (4) reasons for the incomplete resolution were enumerated. After receiving the additional required material the subject referral was deemed complete, for a proposed six month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning Districts (Local Law of 2023 Creating Section 150-51). As noted in the referral, for a period of six months no application for the construction, development, or use of any property in the subject zoning districts shall be accepted or considered and no development approval regarding any property located in said districts shall be considered or granted by the Planning Board, Zoning Board of Appeals, or the Board of Trustees.

The staff report recommended Approval of proposed Local Law of 2023; Section 150-51 of the Greenport Village Code Creating a six-month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning districts subject to three conditions and with one (1) comment for consideration and use by the Village of Greenport.

After deliberation Commission resolved to agree with the staff report and a motion to Approve the six-month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning districts of the Village of Greenport subject to three conditions and to offer one (1) comment for consideration and use by the Village of Greenport was made by Commission member Kaufman and seconded by Commission member Doty, vote to Approve; 11 ayes, 0 nays, 0 abstentions. (Coverdale, Finn, Thomas McCarthy not present during vote).

Other Commission Business

- Chairwoman Casey indicated that the next Commission meeting is to be held on Wednesday, May 3rd at 2 p.m. via Zoom.
- Motion to adjourn meeting by Commission member Kaufman, motion was seconded by Commission member Perry, approved unanimously.